

AMENDED IN SENATE APRIL 24, 2006

**SENATE BILL**

**No. 1344**

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**Introduced by Senator Chesbro**

February 17, 2006

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An act to amend Section 42310.3 of the Public Resources Code, relating to recycling.

LEGISLATIVE COUNSEL'S DIGEST

SB 1344, as amended, Chesbro. Recycling: plastic packaging containers.

Existing law, the California Integrated Waste Management Act of 1989, administered by the California Integrated Waste Management Board, requires every rigid plastic packaging container, as defined, sold or offered for sale in this state, to generally meet one of specified criteria, including being made of 25% postconsumer material. Existing law provides that a manufacturer is in compliance with that 25% requirement criteria if the manufacturer makes a demonstration with regard to the consumption of *a volume of* postconsumer material in the manufacture of a rigid plastic packaging container, whether or not that container is subject to those criteria, *that results in the consumption of an equivalent volume of post consumer material* or a demonstration regarding the exportation of *an equivalent volume of* that material to another state or country.

The bill would revise the conditions by which a manufacture may demonstrate compliance with that 25% requirement, to *delete the requirement that the volume of the post consumer be used in determining eligibility for that alternative requirement. The bill would* include the consumption or export of postconsumer materials used for the manufacture of other plastic products and plastic packaging and

would delete the inclusion of postconsumer material that is exported to another country.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 42310.3 of the Public Resources Code  
2 is amended to read:

3 42310.3. (a) Notwithstanding Section 42310, a manufacturer  
4 is in compliance with the requirements of this chapter if the  
5 manufacturer demonstrates through its own actions, or the  
6 actions of another company under the same corporate ownership,  
7 that one of the following actions were taken during the same  
8 period for which the manufacturer is subject to this chapter, with  
9 regard to a rigid plastic packaging container that stores the  
10 manufacturer's product that is sold or intended for sale in this  
11 state:

12 (1) The manufacturer, or another company under the same  
13 corporate ownership, consumed ~~a volume of~~ postconsumer  
14 material generated in the state in the manufacture of a rigid  
15 plastic packaging container subject to Section 42310, or a rigid  
16 plastic packaging container or other plastic products or plastic  
17 ~~packaging that is not subject to that section, that resulted in the~~  
18 ~~consumption of an equivalent amount of postconsumer material~~  
19 ~~packaging not subject to that section, and that is equivalent to, or~~  
20 ~~exceeds the postconsumer material~~ that the rigid plastic  
21 packaging container is otherwise required to contain, as specified  
22 in subdivision (a) of Section 42310.

23 (2) The manufacturer, or any company under the same  
24 corporate ownership, arranged by contractual agreement for the  
25 purchase and consumption of postconsumer material generated in  
26 the state and exported to another state for the manufacture of  
27 rigid plastic packaging ~~containers~~ *container subject to Section*  
28 *42310, or a rigid plastic packaging container* or other plastic  
29 products or plastic packaging *not subject to that section* that is  
30 equivalent to, or exceeds ~~the volume of,~~ the postconsumer  
31 material that the rigid plastic packaging container is otherwise  
32 required to contain, as specified in subdivision (a) of Section  
33 42310.

- 1 (b) The board shall determine the manner of demonstrating
- 2 compliance with the requirements of this section.

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